

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-20461 - APPLICANT: ED PEYGHAM - OWNER: BP WEST COAST PRODUCTS, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-20464) and Special Use Permit (SUP-20462) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 04/11/07, and building elevations, date stamped 03/13/07 except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow no perimeter landscape buffer along the rear property line where an eight foot buffer with one tree every 30 feet on center is required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed. .
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the southeast corner of Decatur Boulevard and Washington Avenue and the right-of-way for turn lanes on Decatur Boulevard in accordance with Standard Drawing No. 201.1 prior to the issuance of any permits unless otherwise allowed by the City Traffic Engineer. Construction of these improvements is not required at this time. In addition, dedicate a "modified" bus turnout on Washington Avenue adjacent to this site prior to the issuance of any permits.
14. Construct all incomplete half-street improvements on Washington Avenue (bus turnout) adjacent to this site concurrent with development of this site.
15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
16. Submit an application for a deviation from Standard Drawing #222a and #234.3 for the driveways accessing this site from Washington Avenue and Decatur Boulevard.
17. Landscape and maintain all unimproved rights-of-way, if any, on Decatur Boulevard and Washington Avenue adjacent to this site.

18. Submit an Encroachment Agreement for all landscaping, if any, located in the Decatur Boulevard and Washington Avenue public right-of-way adjacent to this site prior to occupancy of this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a Service Station without Auto Repair at 850 North Decatur Boulevard. The applicant requests Waivers to allow no landscape buffer along the rear property line where an eight foot buffer with one tree placed every thirty feet on center is required and to allow a ten-foot landscape buffer along the corner side property line along Washington Avenue where a 15-foot buffer is required in order to accommodate a bus turnout lane.

This is the site of an existing Service Station which will be demolished to allow site redevelopment. Companion applications include a Variance (VAR-20464) to allow a zero-foot rear setback where a minimum setback of 20 feet is required and a Special Use Permit (SUP-20462) for a Beer/Wine/Cooler Off-Sale Establishment. The proposed redevelopment will bring the site into compliance with traffic flow requirements at the intersection of Decatur Boulevard and Washington Avenue and, therefore; staff recommends approval on all three applications.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/03/68	The Board of Commissioners approved a Rezoning (Z-7-68) to C-1 (Limited Commercial) including a site plan for a service station and a Special Use Permit (U-19-68) for a Service Station.
07/14/97	The City Council approved a Rezoning (Z-45-97) from C-1 (Limited Commercial) to PD (Planned Development) with a proposed use of Commercial Shopping Center with Limited Food Processing and Manufacturing Facilities on the subject site. The Planning Commission and staff recommended approval.
01/12/98	The City Council approved a request to Rescind a previous action that approved a Rezoning (Z-45-97) from C-1 (Limited Commercial) to PD (Planned Development) with a proposed use of Commercial Shopping Center with Limited Food Processing and Manufacturing Facilities on the subject site. Staff recommended approval.
11/05/98	A request for a Special Use Permit to allow a double-faced 14 foot by 48 foot Off-Premise Advertising (Billboard) Sign 40 feet in height was withdrawn without prejudice at the Planning Commission.
04/26/07	The Planning Commission held in abeyance this application along with concurrent requests for a Variance (VAR-20464) to allow a zero foot rear setback where 20 feet is required, and a Special Use Permit (SUP-20462) for a beer/wine/cooler off-sale at the applicants request in order to provide a bus turnout lane on Washington Avenue.

05/10/07	<p>The Planning Commission recommended approval of companion items VAr-20464 and SUP-20462 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #3/rl).</p>
----------	---

<i>Related Building Permits/Business Licenses</i>	
06/28/95	Active Business License #C20-01686-7-000356 for Convention Hall Gaming Tax issued to United Coin Machine on the subject site.
06/28/95	Active Business License #G01-01686-4-000356 for Gaming Restricted issued to United Coin Machine on the subject site.
12/02/02	Active Business License #P35-00138-0-082740 for an Outdoor Pay Phone issued to Custom Communication on the subject site.
12/03/02	Active Business License #P35-00385-0-07230 Outdoor Pay Phone issued to Golden Telephone, Inc. on the subject site.
12/03/02	Active Business License #P35-00386-0-07230 Outdoor Pay Phone issued to Golden Telephone, Inc. on the subject site.
08/30/05	Active Business License #C05-01289-b-034615 for Tobacco Dealer – Retail issued to Ed’s Decatur AM PM on the subject site.
08/30/05	Active Business License #C15-00087-3-034615 for a Convenience Store issued to Ed’s Decatur AM PM on the subject site. This issuance is a reclassification of a previous License G05-01147 for Groceries/Food Products.
08/30/05	Active Business License #L10-00086-4-000622 for Beer/Wine/Cooler off-sale issued to Ed’s Decatur AM PM on the subject site. This issuance is a reclassification of a previous License L-04-00922 for alcohol sales..
02/21/07	Pending Business License #C20-96705-7-000356 for Convention Hall Gaming Tax approved by City Council for Ed’s Decatur AM PM on the subject site.
02/21/07	Pending Business License #G01-96704-4-000356 Gaming Restricted approved by City Council for Ed’s Decatur AM PM on the subject site.

<i>Pre-Application Meeting</i>	
03/02/07	A pre-application meeting was held to discuss the requirements for this and related applications. Included in the discussion was the underground fuel tank, and a need to verify that any on-site cross-access agreements would not be disrupted by changes to the site.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required for this application, nor was one held.

Field Check	
04/05/07	A field check was conducted to ascertain current conditions on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.70 Acres
Net Acres	0.68 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Station without Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)
North	Public Golf Course	PF (Public Facilities)	C-V (Civic)
South	Retail, Auto Dealership	SC (Service Commercial) GC (General Commercial)	C-1 (Limited Commercial) C-2 (General Commercial)
East	Retail, Townhomes	SC (Service Commercial) ML (Medium Low Density Residential)	C-1 (Limited Commercial) R-PD8 (Residential Planned Development – 8 Units Per Acre)
West	Service Station without Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Airport Overlay – 140-Foot Buffer

The subject site is located within the 140-foot buffer of the Airport Overlay District. As the proposed structure is only 19 feet in maximum height, the restrictions of this district do not apply.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	NA	30,796 SF	Y
Min. Lot Width	100 Feet	174 Feet	Y
Min. Setbacks			
• Front	25 Feet	50 Feet	Y
• Side	10 Feet	23 Feet	Y
• Corner	15 Feet	37.5 Feet	Y
• Rear	25 Feet	0 Feet	N*
Min. Distance Between Buildings	NA	50 Feet	Y
Max. Lot Coverage	50%	9.5%	Y
Max. Building Height	NA	19 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

* **Subject of Variance (VAR-20464).**

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	2 Trees	Y	N*
Buffer:				
North	1 Tree/30 Linear Feet 15-foot buffer width	5 Trees	6 Trees 15-Foot Buffer (10-Foot buffer along bus turnout lane)	N**
South	1 Tree/30 Linear Feet 8-foot buffer width	4 Trees	4 Trees 8-Foot Buffer	Y
East	1 Tree/30 Linear Feet 8-foot buffer width	4 Trees	0 Trees 0-Foot Buffer	N**
West	1 Tree/30 Linear Feet 15-foot buffer width	5 Trees	5 Trees 15-Foot Buffer	Y
TOTAL		18	15	N**

- * While the minimum number of trees is provided, Title 19.12 requires the placement of parking lot trees in fingers spaced one every six spaces. A condition of approval will require one additional parking lot landscape finger.

** Waivers requested below.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Service Station without Automotive Repair	2,942 SF	1 space/ 250 SF	11	1	11	1	Y
TOTAL (including handicap)			12		12		Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
No trees and no landscape buffer along rear property line.	4 Trees and 8-foot landscape buffer.	Approval
A ten-foot landscape buffer along the corner side perimeter in order to accommodate a bus turnout lane	15 foot landscape buffer.	Approval

ANALYSIS

- **Zoning**

The subject site is located in the C-1 (Limited Commercial) zone within a land use designation of Service Commercial in the Southwest Sector of the General Plan. The Service Station without Automotive Repair is a Conditional Use in the C-1 zone, and the ancillary use of Beer/Wine/Cooler Off-sale Establishment is permitted in the C-1 zone with an approved Special Use Permit. Related application (SUP-20462), if approved, will be sufficient for compliance in the C-1 zone.

- **Site Plan**

The proposed Site Plan calls for a 2,942 square-foot Service Station without Automotive Service on the subject site. The building is located directly on the rear property line, and a companion Variance (VAR-20464) was submitted to request a zero-foot setback where 20 feet is required. The variance is appropriate as the subject site is a legal parcel within a shopping center, surrounded by parking lot on the interior lot lines. The variance is supported due to the necessity to bring the existing service station into compliance with current traffic flow requirements of the city both on the subject site, and regarding the adjacent intersection of Decatur Boulevard and Washington Avenue. A 4,329 square-foot fuel canopy is in front of the Service Station parallel to Decatur Boulevard. The site plan provides sufficient drive lanes and, except for the rear property line, exceeds all other setbacks.

- **Waivers**

The applicant requests a Waiver of the perimeter landscape requirements along the rear property line. Title 19.12 requires a 15-foot landscape buffer along public rights-of-way, and an eight-foot landscape buffer strip with one three planted every 30 feet on center. The Waiver along Washington Avenue to allow a ten-foot buffer where 15 feet is the minimum required is necessary to accommodate a bus turnout lane adjacent to the subject site. The interior waiver is necessary as the applicant is requesting a Variance to allow a zero-foot setback where 20 feet is the minimum required. A zero-foot setback precludes an eight-foot landscape buffer. The Variance is appropriate as the subject site is a legal parcel within a shopping center, surrounded by parking lot on the interior lot lines. The Variance is supported due to the necessity to bring the existing service station into compliance with current traffic flow requirements of the city both on the subject site, and regarding the adjacent intersection of Decatur Boulevard and Washington Avenue.

- **Landscape Plan**

Perimeter landscaping along the front and side property lines meet or exceed Title 19.12 requirements. Landscaping will include evergreen elm and Chilean mesquite trees, along with Japanese mock orange, sago plum and autumn sage shrubs. Waivers, described above, are requested for the perimeter landscaping along the rear and corner side property lines.

- **Elevations**

The proposed elevations indicate a 15-foot high stucco edifice with aluminum accents. The building reaches a height of 19 feet at the top of each architectural tower element on the front corners, and a screen around the mechanical equipment reaches a height of 18 feet. The elevations are consistent with the proposed use and consistent with similar sites in the area.

- **Floor Plan**

The floor plan depicts a total area of 2,942 square feet within the Service Station. This area includes 1,315 square feet of sales area as well as two ADA compliant restrooms, a walk-in cooler, walk-in freezer, office, dry storage and a staff room. A back room and food preparation area are depicted as well.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is compatible with adjacent development and development in the area. The applicant proposes to upgrade the existing service station without automotive repair use on the subject site, and improve compliance with existing city code, including on-site and adjacent traffic flow issues.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan and Title 19, with the approval of a related Variance (VAR-20464) to allow a zero-foot rear yard setback where 20 feet is the minimum required and waivers to allow no perimeter landscape buffer along the zero-foot rear setback, and a reduced buffer along the corner side setback.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic. The updated design of the site takes into account the traffic flow generated by the existing use, and improves conditions on the adjacent roadways by eliminating two access points at the intersection of Decatur Boulevard and Washington Avenue, and further moving two other access points farther away from the intersection in order to improve traffic mobility.

4. Building and landscape materials are appropriate for the area and for the City;

The building and landscape materials are appropriate for the area and for the City. The building façade is primarily pearl white stucco and the fuel canopy is pearl white aluminum. Accents include red and blue. Landscaping will include evergreen elm and Chilean mesquite trees, along with Japanese mock orange, sago plum and autumn sage shrubs.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance. The design features of the site create an orderly environment and are harmonious and compatible with development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed Service Station without Auto Repair will be subject to regular City inspections for licensing and will, therefore, not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 808 by Planning Department

APPROVALS 0

PROTESTS 1